



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 9, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Licensed Idaho Water Well Driller

Re: Suspension of use of start cards in the wilderness moratorium areas

Dear Sir or Madam:

On October 1, 1999, the Idaho Supreme Court issued an opinion in the case of *Potlatch Corp. et al. v. United States of America* affirming the 1997 Snake River Basin Adjudication (SRBA) Reserved Rights Order granting the United States reserved water rights for all unappropriated water in the Frank Church-River of No Return (established July 23, 1980) the Selway-Bitterroot (established September 3, 1964), and the Gospel-Hump Wilderness Areas (established February 24, 1978). Based upon this decision, all water in and tributary to the wilderness areas is fully appropriated.

As a result of these court decisions, the Department of Water Resources has established a moratorium on granting of new water right permits to appropriate ground water and on continued development under existing permits within the wilderness areas and areas tributary to the wilderness areas as shown on the enclosed map. The moratorium does not stop the issuance of drilling permits for wells that will be constructed and used for domestic purposes exempted by Idaho law from the water appropriation permit requirement. However, those proposing to drill a well in the area for consumptive use of water should be aware that consumptive use of water may be subject to future curtailment if the United States makes a call for delivery of water under a wilderness water right. To assure that those investing money to construct new wells are aware of this risk, the Department is requiring that an application be filed and a "hard copy" drilling permit be issued before construction begins. The drilling permit will be conditioned to assure the well owner acknowledges the risk of future curtailment.

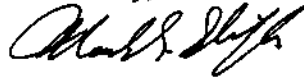
This letter is to advise you that the Department of Water Resources has rescinded the use of Start Cards for constructing wells in the wilderness moratorium area. This instruction revises and supercedes the direction outlined by Instructions and Standard Conditions, Single Family Domestic Start Card/Permit and Where Drilling Permit/Start Card May Be Utilized previously provided to you. The termination on the use of start cards in the wilderness moratorium area is effective immediately. A drilling permit application must be submitted and approval received by the owner prior to the commencement of construction of any well, including those for domestic uses.

The affected area includes basins 71, 72, 73, 74, 75 and portions of Basin 77, 79, 81, and 82.

You can expedite issuance of a drilling permit for a well to be constructed in the wilderness moratorium area by faxing an application to the appropriate regional office including a letter signed by the well owner acknowledging the risk of curtailment. A copy of a typical letter that can be used by the owner is enclosed.

If you have further questions regarding well drilling permits please contact me at (208) 327-7887 or John Mitchell at (208) 327-7964.

Sincerely,



Mark Slifka, Manager
Ground Water Protection Section

c: IDWR Regional Offices
Bob Foster, Salmon
enc. Map of wilderness moratorium area
Typical letter from owner

To: The Department of Water Resources:

I am applying for a drilling permit to construct a well for domestic purposes in the wilderness moratorium area. I am aware of the Idaho Supreme Court decision issued on October 1, 1999 reserving all unappropriated water in the wilderness area to the United States for purposes of the wilderness at the time of the wilderness designation. I am aware that the priority of the right that will be developed by diversion and beneficial use for domestic purposes from the well I propose to construct will have a priority date later in time than the right of the water reserved for the wilderness. I am aware and accept the risk that, if the United States makes a call for delivery of water under the wilderness right, the consumptive use of water from the well may be subject to future curtailment.

I further understand that a drilling permit application must be submitted and an approved drilling permit received by me prior to the commencement of construction of the well.

Signed this ____ day of _____, ____.

Owner's Name Printed _____

Owner's Name Signed _____